

REMARKS

In response to the Office Action dated August 13, 2010, Applicants have amended claims 9 and 15. Claims 9, 10, and 12-18 are pending in the application. The amendment of claim 9 is supported by the specification at page 9, lines 6-9 and the amendment to claim 15 was done to address the concern raised in the Office Action with no new matter being introduced. Reconsideration of the present application is respectfully requested in view of the foregoing amendments and the remarks which follow.

Rejections Under 35 U.S.C. § 102(b)

The Examiner maintains the rejections of claims 9, 10 and 14-16 under 35 U.S.C. § 102(b) as being anticipated by U.S. Publication 2002/0192522 to Wada et al. ("Wada"). Applicants respectfully submit that these rejections have been overcome by the amendments to claims 9 and 15 and the reasoning below.

According to the Office Action, Wada discloses an outlet through-hole (34b or 33b) which is provided in a most downstream bent portion in at least one of the anode gas passage and the cathode gas passage, with the through-hole allowing movement of moisture through the fuel cells.

However, claim 9 as amended clarifies that: (a) the bent portions are of substantially 180 degrees; and, (b) the through-hole is provided in a most downstream bent portion in at least one of the anode gas passage and the cathode gas passage, with the through-hole allowing movement of moisture through the fuel cells.

Accordingly, the outlet through-holes 34b and 33b of Wada do not correspond to the bent portions of substantially 180 degrees of claim 9. Applicants respectfully submit that claim 9 is not anticipated by Wada.

Concerning claims 10 and 14-16, these claims depend on claim 9 and are therefore patentable for the same reasons that claim 9 is patentable.

Rejections Under 35 U.S.C. § 103(a)

The Office Action rejects claims 17 and 18 as being unpatentable over Wada in view of U.S. Patent 7,309,541 to Mizutani et al. Applicants respectfully traverse these rejections

because claims 17 and 18 depend on claim 9 and are patentable for the same reasons that claim 9 are patentable.

CONCLUSION

Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested. The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing or a credit card payment form being unsigned, providing incorrect information resulting in a rejected credit card transaction, or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petition for such extension under 37 C.F.R. § 1.136 and authorize payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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